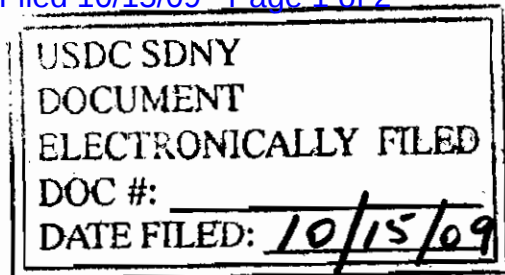


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



RAYMOND RODRIGUEZ,

Plaintiff,

- against -

THE CITY OF NEW YORK, ET AL.,

Defendants.

05 Civ. 10041

ORDER

On June 26, 2008, Magistrate Judge Kevin N. Fox issued a Report and Recommendation ("Report"), which proposed that the action be dismissed pursuant to Fed. R. Civ. P. 4(m) and 41(b). (*See* Report at 2.) Objections to the Report were due within ten days of service of the Report. (*See id.*) More than fourteen months have elapsed, and the Court has yet to receive any objections to that Report. Nor does the docket sheet maintained by the Clerk of the Court for this action indicate that any objections have been filed.

When no parties object to a Magistrate Judge's report and recommendation, a district court will adopt the report unless it is "clearly erroneous." *Bandhan v. Lab. Corp. of Am.*, 234 F. Supp. 2d 313, 316 (S.D.N.Y. 2002). If a party fails to object to a report within 10 days of being served with the report, that party waives its right to object, and appellate review of the district court's decision adopting the report, absent unusual circumstances, is precluded. *See United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997).

The Court finds that the Report's findings and recommendations are not clearly erroneous, and it hereby adopts the Report. Plaintiff's suit is dismissed without prejudice for failure to prosecute the action. The Court Clerk is directed to close the case.

SO ORDERED.

Dated: New York, New York
October 14, 2009

A handwritten signature in black ink, appearing to read 'Richard J. Holwell', written over a horizontal line.

Richard J. Holwell
United States District Judge